

SENATE BILL NO. 242

INTRODUCED BY J. O'NEIL, KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE MUNICIPAL JURISDICTIONAL AREA FOR A MUNICIPAL BUILDING CODE TO THE AREA WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN; ~~PROVIDING THAT THE COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE MAY BE AN AREA LESS THEN THE ENTIRE COUNTY;~~ PROVIDING THAT THE COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE MAY BE AN AREA LESS THAN THE ENTIRE COUNTY; ESTABLISHING PROCEDURES FOR ADOPTION OF A JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE; PROVIDING FOR A COUNTY APPEAL PROCEDURE; SUPERSEDING THE UNFUNDED MANDATE LAWS; AMENDING ~~SECTION~~ SECTIONS 13-19-106, 50-60-101, AND 50-60-303, MCA; AND PROVIDING ~~AN~~ AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 13-19-106, MCA, IS AMENDED TO READ:

"13-19-106. General requirements for mail ballot election -- exception for county building code jurisdiction election. A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) (a) Except as provided in subsection (2)(b), an ~~An~~ official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(b) In an election to determine whether to adopt a building code enforcement program within a county jurisdictional area, as defined in 50-60-101 and designated by a board of county commissioners pursuant to [section 4], an official ballot must be mailed to every record owner of real property in the county jurisdictional area.

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

(5) The elector shall then place the secrecy envelope containing the elector's ballot in a return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received before a specified time on election day.

(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not previously voted.

(7) If the ballot qualifies and is otherwise valid, officials shall then open the return/verification envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

(8) After the close of polls on election day, voted ballots must be counted and canvassed as otherwise provided by law."

Section 2. Section 50-60-101, MCA, is amended to read:

"50-60-101. Definitions. As used in parts 1 through 4 and ~~part~~ 7 of this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Alteration" means any change, addition, or modification in construction or occupancy.

(2) "Building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property. The term must be construed as though followed by the words "or part or parts ~~thereof~~ of a building".

(3) (a) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings.

(b) The term does not include zoning ordinances.

(4) "Code enforcement program" means the plan for enforcement of the building regulations adopted by a municipality or county and includes the local building department and the staff associated with executing any aspect of the program's purposes or functions.

(5) "Construction" means the original construction and equipment of buildings and requirements

1 or standards relating to or affecting materials used, including provisions for safety and sanitary conditions.

2 ~~(6) "COUNTY JURISDICTIONAL AREA" MEANS THE ENTIRE COUNTY, OR AN AREA OR AREAS WITHIN THE COUNTY,~~
3 ~~WHICH MAY NOT INCLUDE MUNICIPALITIES, DESIGNATED BY THE COUNTY TO BE SUBJECT TO THE COUNTY BUILDING CODE~~
4 ~~AS PROVIDED IN 50-60-301 AND 50-60-302 OR AN AREA OR AREAS WITHIN THE COUNTY, DESIGNATED BY THE BOARD~~
5 ~~OF COUNTY COMMISSIONERS AS SUBJECT TO THE COUNTY BUILDING CODE, EXCLUDING ANY AREA THAT IS WITHIN THE~~
6 ~~LIMITS OF AN INCORPORATED MUNICIPALITY.~~

7 ~~(6)(7)~~ "Department" means the department of commerce provided for in Title 2, chapter 15, part
8 18.

9 ~~(7)(8)~~ "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and
10 refrigerating equipment, elevators, dumbwaiters, escalators, and other mechanical additions or
11 installations.

12 ~~(8)(9)~~ (a) "Factory-built building" means a factory-assembled structure or structures equipped with
13 the necessary service connections but not made so as to be readily movable as a unit or units and
14 designed to be used with a permanent foundation.

15 (b) The term does not include manufactured housing constructed after June 15, 1976, under the
16 National Mobile Home Construction and Safety Standards Act of 1974, {42 U.S.C. 5401, et seq.}

17 ~~(9)(10)~~ "Local building department" means the agency or agencies of a municipality charged with
18 the administration, supervision, or enforcement of building regulations, the approval of plans, the
19 inspection of buildings, or the issuance of permits, licenses, certificates, and similar documents prescribed
20 or required by state or local building regulations.

21 ~~(10)(11)~~ "Local legislative body" means the council or commission charged with governing the
22 municipality.

23 ~~(11)(12)~~ (a) "Municipal jurisdictional area" means the area within the limits of an incorporated
24 municipality unless the area is extended at the written request of a municipality.

25 ~~(b) Upon request of a municipality with the written consent of the county in which the municipality~~
26 ~~is located, the department may approve extension of the jurisdictional area to include:~~

27 ~~—— (i) all or part of the area within 4 1/2 miles of the corporate limits of a municipality;~~

28 ~~—— (ii) all of any platted subdivision that is partially within 4 1/2 miles of the corporate limits of a~~
29 ~~municipality; and~~

30 ~~—— (iii) all of any zoning district adopted pursuant to Title 76, chapter 2, part 1 or 2, that is partially~~

1 ~~within 4 1/2 miles of the corporate limits of a municipality.~~

2 ~~—— (c) Distances must be measured in a straight line on a horizontal plane.~~

3 ~~—— (d) The initial written consent by a county to an extended municipal jurisdiction area must disclose~~
4 ~~the scope of the building codes to be enforced, the type of structures to be subject to the building codes,~~
5 ~~and the schedule of fees to be charged for permits. If after the county's initial written consent, the~~
6 ~~municipality wishes to change either the scope of the building codes enforced or the type of structures~~
7 ~~covered, the changes must first be approved in writing by the county. Unapproved changes result in the~~
8 ~~rescission of the county approval of the extended municipal jurisdiction area.~~

9 ~~(12)~~(13) "Municipality" means any incorporated city or town ~~and its jurisdictional area as defined~~
10 ~~in this section.~~

11 ~~(13)~~(14) "Owner" means the owner or owners of the premises or lesser estate, a mortgagee or
12 vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or
13 corporation in control of a building.

14 ~~(14)~~(15) (a) "Primary function area" means an area of a building or facility in which a major
15 activity for which the building or facility is designed is carried out. Primary function areas include but are
16 not limited to a customer service lobby of a savings institution, a cafeteria dining area, and meeting rooms
17 of a conference center.

18 (b) Areas that are not primary function areas include but are not limited to boiler rooms, storage
19 rooms, employee lounges, janitorial closets, entrances, corridors, and restrooms.

20 ~~(15)~~(16) "Public building" means a building or facility owned or operated by a governmental entity
21 or a private sector building or facility that is open to members of the public.

22 ~~(16)~~(17) "Public sidewalk" means a sidewalk located in a public right-of-way.

23 ~~(17)~~(18) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living
24 quarters for recreational, camping, or travel use that either has its own mode of power or is mounted on
25 or towed by another vehicle, including but not limited to a:

26 (a) travel trailer;

27 (b) camping trailer;

28 (c) truck camper; or

29 (d) motor home.

30 ~~(18)~~(19) "Site" means a parcel of land bounded by property lines or a designated portion of a public

1 right-of-way.

2 ~~(19)~~(20) "State agency" means any state officer, department, board, bureau, commission, or other
3 agency of this state.

4 ~~(20)~~(21) "State building code" means the state building code provided for in 50-60-203 or any
5 portion of the code of limited application and any of its modifications or amendments."
6

7 **SECTION 3. SECTION 50-60-303, MCA, IS AMENDED TO READ:**

8 **"50-60-303. Municipal and county appeal procedure.** (1) If a municipality or county adopts a
9 ~~municipal~~ building code, it shall also establish an appeal procedure by ordinance ~~which~~ that is acceptable
10 to the department.

11 (2) If a municipality or county does not adopt a code, appeals on the application of the state
12 building code within the municipal or county jurisdictional area ~~shall~~ must be made to the department."
13

14 **NEW SECTION. SECTION 4. DESIGNATION OF COUNTY JURISDICTIONAL AREA FOR COUNTY BUILDING CODE.**

15 **(1) TO DESIGNATE A COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE, THE BOARD OF COUNTY**
16 **COMMISSIONERS:**

17 **(A) SHALL PASS A RESOLUTION OF INTENT TO ADOPT THE COUNTY JURISDICTIONAL AREA;**

18 **(B) SHALL GIVE NOTICE TO THE PUBLIC AS PROVIDED IN 7-1-2121. THE NOTICE MUST STATE:**

19 **(i) THE TIME AND PLACE OF THE PUBLIC HEARING;**

20 **(ii) THE BOUNDARIES OF THE PROPOSED COUNTY JURISDICTIONAL AREA;**

21 **(iii) THE PROCEDURES AND DEADLINES FOR FILING A WRITTEN PROTEST; AND**

22 **(iv) THAT A MAP AND DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED COUNTY JURISDICTIONAL AREA AND**
23 **THE NAMES AND ADDRESSES OF THE OWNERS OF REAL PROPERTY IN THE PROPOSED COUNTY JURISDICTIONAL AREA ARE**
24 **ON FILE FOR PUBLIC INSPECTION AT THE OFFICE OF THE COUNTY CLERK AND RECORDER.**

25 ~~———(C) SHALL GIVE WRITTEN NOTICE TO EACH OWNER OF REAL PROPERTY IN THE PROPOSED COUNTY JURISDICTIONAL~~
26 ~~AREA BY CERTIFIED MAIL, DELIVERY RESTRICTED TO THE ADDRESSEE AND THE ADDRESSEE'S AGENT AND RETURN RECEIPT~~
27 ~~REQUESTED. THE NOTICE MUST INCLUDE THE SAME INFORMATION THAT IS REQUIRED UNDER SUBSECTION (1)(B).~~

28 ~~(D)(C)~~ **SHALL HOLD A PUBLIC HEARING NO EARLIER THAN 30 DAYS OR LATER THAN 90 DAYS AFTER PASSAGE**
29 **OF THE RESOLUTION OF INTENT;**

30 ~~(E)(D)~~ **AT THE PUBLIC HEARING:**

1 (i) SHALL ACCEPT WRITTEN PROTESTS FROM OWNERS OF REAL PROPERTY IN THE PROPOSED COUNTY
2 JURISDICTIONAL AREA; AND

3 (ii) MUST RECEIVE GENERAL PROTESTS AND COMMENTS RELATING TO THE DESIGNATION OF THE BOUNDARIES OF
4 THE PROPOSED COUNTY JURISDICTIONAL AREA; AND

5 ~~(f)~~(E) SUBJECT TO SUBSECTION (2), SHALL ADOPT THE COUNTY JURISDICTIONAL AREA, EFFECTIVE 60 DAYS
6 AFTER PASSAGE OF THE RESOLUTION.

7 (2) IF A WRITTEN PROTEST IS SUBMITTED BY OWNERS OF REAL PROPERTY IN THE PROPOSED COUNTY
8 JURISDICTIONAL AREA REPRESENTING MORE THAN ~~40%~~ 10% OF THE OWNERS OF REAL PROPERTY FOR WHICH A RETURN
9 RECEIPT WAS RECEIVED AS PROVIDED IN SUBSECTION (1)(c) IN THE PROPOSED AREA, THE BOARD OF COUNTY
10 COMMISSIONERS MAY NOT ADOPT THE COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE WITHOUT
11 SUBMITTING TO AN ELECTION, AS PROVIDED IN [SECTION 6], THE QUESTION OF ADOPTION OF THE CODE ENFORCEMENT
12 PROGRAM AS APPROVED BY THE DEPARTMENT OF COMMERCE.

13
14 **NEW SECTION. SECTION 5. APPROVAL BY DEPARTMENT OF COMMERCE OF CODE ENFORCEMENT PROGRAM.**
15 AFTER COMPLETION OF THE PUBLIC HEARING REQUIRED BY [SECTION 4] AND RECEIPT OF ANY WRITTEN PROTESTS WITHIN
16 THE TIME PERIOD PROVIDED BY THE NOTICE REQUIRED IN THAT SECTION, THE BOARD OF COUNTY COMMISSIONERS MAY
17 SUBMIT A PROPOSED CODE ENFORCEMENT PROGRAM FOR THAT JURISDICTIONAL AREA TO THE DEPARTMENT OF COMMERCE
18 FOR APPROVAL. THE DEPARTMENT SHALL APPROVE THE PROGRAM IF IT SATISFIES THE CRITERIA PROVIDED IN 50-60-302.
19 UPON APPROVAL BY THE DEPARTMENT OF THE PROPOSED CODE ENFORCEMENT PROGRAM, THE BOARD OF COUNTY
20 COMMISSIONERS SHALL FILE WITH THE COUNTY CLERK AND RECORDER A COPY OF THE APPROVED PROGRAM AND A MAP
21 SHOWING THE COUNTY JURISDICTIONAL AREA AS DESIGNATED BY THE COUNTY COMMISSION.

22
23 **NEW SECTION. SECTION 6. ELECTION ON QUESTION OF ADOPTION OF CODE ENFORCEMENT PROGRAM. (1)**
24 AFTER APPROVAL OF THE PROPOSED CODE ENFORCEMENT PROGRAM BY THE DEPARTMENT, THE BOARD OF COUNTY
25 COMMISSIONERS SHALL SUBMIT THE QUESTION OF WHETHER TO ADOPT THE CODE ENFORCEMENT PROGRAM WITHIN THE
26 COUNTY JURISDICTIONAL AREA DESIGNATED BY THE COUNTY COMMISSION TO THE RECORD OWNERS OF REAL PROPERTY
27 LOCATED WITHIN THE DESIGNATED AREA IF 10% OR MORE OF THE RECORD PROPERTY OWNERS WITHIN THE AREA HAVE
28 SUBMITTED WRITTEN PROTESTS TO THE BOARD PURSUANT TO [SECTION 4]. THE ELECTION MUST BE A SPECIAL MAIL
29 BALLOT ELECTION AS DEFINED IN 13-19-102.

30 (2) THE ELECTION MUST BE INITIATED BY THE BOARD OF COUNTY COMMISSIONERS BY A RESOLUTION OF THE

BOARD PURSUANT TO 13-19-202 DIRECTED TO THE COUNTY ELECTION ADMINISTRATOR AND MUST BE CONDUCTED IN ACCORDANCE WITH TITLE 13, CHAPTER 19. IF A MAJORITY OF THE ELECTORS WHO RETURN THE MAIL BALLOT VOTE IN FAVOR OF THE CODE ENFORCEMENT PROGRAM, THE CODE ENFORCEMENT PROGRAM WITHIN THE JURISDICTIONAL AREA DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS IS EFFECTIVE 60 DAYS AFTER THE DAY THE COUNTY BOARD OF CANVASSERS DECLARES THE RESULTS OF THE ELECTION.

(3) (A) EXCEPT AS PROVIDED IN THIS SUBSECTION, A BUILDING CODE ADOPTED AS PART OF A CODE ENFORCEMENT PROGRAM APPROVED BY THE ELECTORS MAY NOT BE MODIFIED WITHOUT SUBMISSION OF THE MODIFICATION TO THE ELECTORS AS PROVIDED IN THIS SECTION.

(B) A BUILDING CODE MAY BE MODIFIED WITHOUT SUBMITTING THE MODIFICATION TO THE ELECTORS IF:

(i) THE MODIFICATION CONSISTS OF A PROVISION TAKEN FROM A UNIFORM OR MODEL BUILDING CODE; AND

(ii) THE PROVISION DOES NOT REGULATE A WHOLLY NEW COMPONENT OF A STRUCTURE, SUCH AS WIRING, PLUMBING, OR CONCRETE FOUNDATION, THAT WAS PREVIOUSLY UNREGULATED.

NEW SECTION. SECTION 7. PETITION FOR DESIGNATION OF COUNTY JURISDICTIONAL AREA AND ADOPTION OF BUILDING CODE. (1) A COUNTY JURISDICTIONAL AREA AND A BUILDING CODE APPLICABLE TO THAT AREA MAY BE ADOPTED BY PETITION AS PROVIDED IN THIS SECTION.

(2) A PETITION MAY BE CIRCULATED BY THE RECORD OWNER OF REAL PROPERTY TO WHICH THE COUNTY JURISDICTIONAL AREA WILL BE APPLIED OR EXTENDED FOR THE PURPOSE OF GATHERING SIGNATURES ON THE PETITION. ONLY A RECORD OWNER OF REAL ESTATE WITHIN THE PROPOSED COUNTY JURISDICTIONAL AREA IS QUALIFIED TO SIGN A PETITION.

(3) A PETITION TO DESIGNATE A COUNTY JURISDICTIONAL AREA MAY ALSO BE CIRCULATED BY THE BOARD OF COUNTY COMMISSIONERS. A PETITION CIRCULATED BY THE BOARD OF COUNTY COMMISSIONERS IS NOT SUBJECT TO THE REQUIREMENTS OF [SECTION 4].

(4) BEFORE A PETITION MAY BE CIRCULATED FOR SIGNATURES, THE LANGUAGE OF THE PROPOSED BUILDING CODE MUST BE APPROVED BY THE DEPARTMENT OF COMMERCE AND THE FORM OF THE PETITION MUST BE APPROVED BY THE ELECTION ADMINISTRATOR OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED. A BUILDING CODE PROPOSED PURSUANT TO THIS SECTION MUST BE APPROVED BY THE DEPARTMENT OF COMMERCE IF IT MEETS THE CRITERIA PROVIDED IN 50-60-302 FOR THE APPROVAL OF A CODE WITHIN A CODE ENFORCEMENT PROGRAM. THE ELECTION ADMINISTRATOR SHALL APPROVE THE FORM OF THE PETITION IF THE PETITION MEETS, AND THE ELECTION ADMINISTRATOR SHALL COMPLY WITH, THE REQUIREMENTS OF 7-5-134, 7-5-135, AND THIS SECTION, EXCEPT THAT:

1 (A) THE NUMBER OF VALID SIGNATURES REQUIRED FOR THE CREATION OR EXTENSION OF THE COUNTY
2 JURISDICTIONAL AREA IS A MAJORITY OF THE RECORD OWNERS OF REAL PROPERTY LOCATED WITHIN THE PROPOSED
3 JURISDICTIONAL AREA; AND

4 (B) A PETITION CONTAINING THE NUMBER OF VALID SIGNATURES REQUIRED BY THIS SECTION IS NOT SUBMITTED
5 TO A VOTE BY ELECTORS.

6 (5) AN INDIVIDUAL CIRCULATING A PETITION FOR SIGNATURES MUST MAKE AVAILABLE TO INDIVIDUALS WHO MAY
7 SIGN THE PETITION A COPY OF THE BUILDING CODE APPROVED BY THE DEPARTMENT OF COMMERCE AND A MAP SHOWING
8 THE COUNTY JURISDICTIONAL AREA WITHIN WHICH THE CODE WILL APPLY. THE PETITION MUST CLEARLY INDICATE THAT
9 THE INDIVIDUAL SIGNING THE PETITION READ AND UNDERSTOOD THE PROVISIONS OF THE CODE AND UNDERSTOOD THE
10 GEOGRAPHIC AREA IN WHICH THE CODE WOULD BE APPLIED.

11 (6) THE COUNTY JURISDICTIONAL AREA AND THE BUILDING CODE APPLICABLE TO THAT AREA BECOME EFFECTIVE
12 60 DAYS AFTER THE DETERMINATION BY THE COUNTY ELECTION ADMINISTRATOR THAT THE PETITION HAS BEEN SIGNED
13 BY THE NUMBER OF RECORD OWNERS OF REAL PROPERTY REQUIRED BY THIS SECTION.

14 (7) (A) EXCEPT AS PROVIDED IN THIS SUBSECTION, ONCE ADOPTED BY PETITION AS PROVIDED IN THIS SECTION,
15 A COUNTY BUILDING CODE MAY NOT BE AMENDED EXCEPT BY PETITION IN ACCORDANCE WITH THIS SECTION OR BY
16 SUBMITTING THE MODIFICATION TO THE ELECTORS AS PROVIDED IN [SECTION 6].

17 (B) A COUNTY BUILDING CODE ADOPTED BY PETITION MAY BE MODIFIED WITHOUT PETITION OR ELECTION IF:

18 (i) THE MODIFICATION CONSISTS OF A PROVISION TAKEN FROM A UNIFORM OR MODEL BUILDING CODE; AND

19 (ii) THE PROVISION DOES NOT REGULATE A WHOLLY NEW COMPONENT OF A STRUCTURE, SUCH AS WIRING,
20 PLUMBING, OR CONCRETE FOUNDATION, THAT WAS PREVIOUSLY UNREGULATED.

21
22 NEW SECTION. SECTION 8. SPECIAL ELECTION REQUIRED -- NOTICE -- TERMINATION OF CERTAIN MUNICIPAL
23 JURISDICTIONAL AREAS. (1) NO LATER THAN DECEMBER 31, 2001, THE COUNTY COMMISSIONERS OF A COUNTY IN WHICH
24 A MUNICIPAL JURISDICTIONAL AREA, AS DEFINED IN 50-60-101, HAS BEEN ESTABLISHED BEYOND THE CORPORATE LIMITS
25 OF A MUNICIPALITY BEFORE [THE EFFECTIVE DATE OF THIS ACT] SHALL SUBMIT THE QUESTION OF THE CONTINUATION OF
26 THE JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY TO A VOTE BY THE RECORD OWNERS OF
27 REAL PROPERTY WITHIN THE JURISDICTIONAL AREA BEYOND THOSE LIMITS. THE ELECTION REQUIRED BY THIS SECTION
28 MUST BE A SPECIAL ELECTION CONDUCTED BY MAIL BALLOT ELECTION AS DEFINED IN 13-19-102.

29 (2) THE ELECTION REQUIRED BY SUBSECTION (1) MUST BE INITIATED BY THE BOARD OF COUNTY COMMISSIONERS
30 BY A RESOLUTION OF THE BOARD PURSUANT TO 13-19-202 DIRECTED TO THE COUNTY ELECTION ADMINISTRATOR. THE

ELECTION MUST BE CONDUCTED IN ACCORDANCE WITH TITLE 13, CHAPTER 19, EXCEPT TO THE EXTENT THAT THOSE PROVISIONS CONFLICT WITH THE PROVISIONS OF THIS SECTION, IN WHICH CASE THE PROVISIONS OF THIS SECTION APPLY.

(3) NOTICE OF THE ELECTION MUST BE GIVEN BY THE COUNTY ELECTION ADMINISTRATOR BY PUBLISHING A NOTICE AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE ELECTION IS HELD. THE NOTICE MUST BE PUBLISHED AT LEAST 15 DAYS BEFORE AND NO MORE THAN 45 DAYS BEFORE THE ELECTION IS TO BE HELD. THE NOTICE MUST CONTAIN A CLEAR SYNOPSIS OF THE BUILDING CODE THEN IN EFFECT WITHIN THE MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY, A DESCRIPTION OR MAP OF THE AREA OUTSIDE THE CORPORATE LIMITS OF THE MUNICIPALITY TO WHICH THAT CODE APPLIES, THE FEES CHARGED FOR PERMITS ISSUED FOR THAT AREA, AND THE EFFECT OF A MAJORITY VOTE FOR AND A MAJORITY VOTE AGAINST CONTINUATION OF THE MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY.

(4) IF A MAJORITY OF THOSE PERSONS RETURNING THE MAIL BALLOTS VOTE IN FAVOR OF RETENTION OF THE MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY, THE AREA MUST CONTINUE IN EXISTENCE AS PROVIDED IN LAW. IF A MAJORITY OF THOSE PERSONS RETURNING THE BALLOTS VOTE AGAINST RETENTION OF THE MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY, THAT AREA IS TERMINATED ON THE DAY ON WHICH THE BOARD OF COUNTY CANVASSERS DECLARES THE RESULTS OF THE ELECTION.

(5) IF A MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF A MUNICIPALITY IS TERMINATED PURSUANT TO THIS SECTION, THE FOLLOWING PROVISIONS APPLY TO THAT AREA ON AND AFTER THE DATE OF TERMINATION:

(A) A BUILDING PERMIT ISSUED BY A MUNICIPALITY BEFORE THE TERMINATION OF THE AREA IS VALID AND ENFORCEABLE BY THE MUNICIPALITY ISSUING THE PERMIT.

(B) A BUILDING PERMIT MAY NOT BE ISSUED FOR THE AREA.

(C) A MUNICIPALITY MAY NOT REQUEST AND THE DEPARTMENT OF COMMERCE MAY NOT APPROVE THE CREATION OF A MUNICIPAL JURISDICTIONAL AREA BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY.

(6) THIS SECTION DOES NOT APPLY TO COUNTY JURISDICTIONAL AREAS DESIGNATED PURSUANT TO [SECTION 4].

NEW SECTION. SECTION 9. UNFUNDED MANDATE LAWS SUPERSEDED. THE PROVISIONS OF [THIS ACT] EXPRESSLY SUPERSEDE AND MODIFY THE REQUIREMENTS OF 1-2-112 THROUGH 1-2-116.

NEW SECTION. SECTION 10. CODIFICATION INSTRUCTION. [SECTION 3] IS [SECTIONS 3 THROUGH 9] ARE

1 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 50, CHAPTER 60, PART 3, AND THE PROVISIONS OF TITLE 50,
2 CHAPTER 60, PART 3, APPLY TO ~~SECTION 3~~ [SECTIONS 3 THROUGH 9].

3
4 NEW SECTION. SECTION 11. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

5
6 NEW SECTION. Section 12. ~~Applicability~~ RETROACTIVE APPLICABILITY. ~~[This act] applies [SECTIONS~~
7 2(12) AND 8] APPLY to proceedings begun after September 30, 2001. A building permit issued prior to
8 October 1, 2001, is subject to the conditions in effect at the time that the permit was issued
9 RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO THE EXTENSION OF THE A MUNICIPAL JURISDICTIONAL AREA FOR
10 BUILDING CODES BEYOND THE LIMITS OF THE MUNICIPALITY AS OF [THE EFFECTIVE DATE OF THIS ACT]. AFTER [THE
11 EFFECTIVE DATE OF THIS ACT] A MUNICIPALITY MAY NOT ENFORCE OR ADOPT A BUILDING CODE OUTSIDE OF THE LIMITS
12 OF THE INCORPORATED MUNICIPALITY AS DEFINED IN 50-60-101 CREATED BEFORE [THE EFFECTIVE DATE OF THIS ACT].

13 - END -